

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

N.L.D., LONNZO LEE HARPER,
and TAMESHIA R. DAVIS,

Plaintiffs,

v.

CRESTWOOD ELEMENTARY SCHOOL,

Defendant.

ORDER

19-cv-50-jdp

Plaintiffs Lonanzo Lee Harper and Tameshia R. Davis filed this lawsuit on their own behalf and on behalf of their son N.L.D., alleging that N.L.D. was injured on the playground at Crestwood Elementary School in Madison. I dismissed the original complaint in part for plaintiffs' failure to allege facts that could support claims over which this federal court could exercise jurisdiction. Dkt. 8. Plaintiffs followed with a letter reiterating that they believed that they and their son were wronged and expressing their desire to have their day in court, but they still failed to show that the case belonged in federal court, so I dismissed the case on July 2, 2019. Dkt. 12. Judgment was entered the same day. Dkt. 13.

Plaintiffs have now filed a proposed amended complaint further discussing facts about the history of the medication that N.L.D. was prescribed for attention-deficit/hyperactivity disorder. Dkt. 14. But their core allegation is still that staff members failed to adequately monitor N.L.D. and let him walk or run into a pole on the playground.

I dismissed this case more than a month ago. Plaintiffs want to reopen the case, which I have the authority to do under Federal Rule of Civil Procedure 60. The only plausible reason for doing so under that rule would be for plaintiffs' excusable neglect, but plaintiffs do not explain why they waited until now to file their amended complaint. In any event, I would not

reopen the case because plaintiffs' allegations do not state a plausible claim for relief under federal law. This is still a negligence case without a basis for federal jurisdiction, so if plaintiffs intend to pursue it, they must do so in state court.

ORDER

IT IS ORDERED that plaintiffs' motion for relief from judgment, Dkt. 14, is DENIED.

Entered August 22, 2019.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge